



8 2121
41

Packet No. VTTI-P2702

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tim Clark, Stephen J. Scherer, and Paul A. Rosenau

Serial No.: 09/872,133

Art Unit: 2121

Filed: June 1, 2001

Examiner: Ronald Hartman, Jr.

For: METHOD AND APPARATUS FOR REMOTELY MONITORING AND
CONTROLLING POOL OR SPA

-----RECEIVED

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAY 20 2004

Technology Center 2100

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Sir:

This communication responds to the Examiner's election/restriction requirement of April 16, 2004.

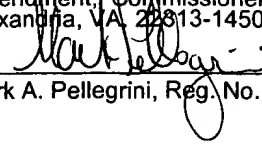
The aforementioned Examiner's election requirement indicated, among other things, that the application allegedly contains claims directed to distinct inventions as set forth below:

I. Claims 1-18, 22-29, and 34-38 are all directed towards a monitoring/communication system utilizing a web based network for monitoring or communicating with a remote device.

II. Claims 19-21, 30-33, and 39-47 are all directed towards a remote control system whereby a device is controlled remotely.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date noted below.


Mark A. Pellegrini, Reg. No. 50,233 May 13, 2004
DATE

In this regard, Applicant is required under 35 U.S.C. §121 to elect a single claim set for prosecution on the merits.

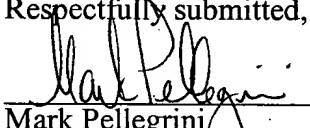
Applicant hereby provisionally elects Claims 19-21, 30-33, and 39-47 directed to Invention II, as indicated above, for prosecution.

Claims 1-47 were previously presented. Unless the Examiner withdraws or modifies the Election Requirement, it appears that Claims 1-18, 22-29, and 34-38 will be deemed to have been withdrawn by virtue of this Response to Election/Restriction Requirement. Thus, Claims 19-21, 30-33, and 39-47 will be pending.

If the Examiner has any questions regarding the foregoing, or if the Examiner would like to discuss any remaining or new issues regarding this communication, the Examiner is invited to contact the undersigned representative of Applicant at (949) 718-6750.

Respectfully submitted,

Date: May 13, 2004


Mark Pellegrini
Reg. No. 50,233
J. Mark Holland & Associates,
a Professional Law Corporation
3 Civic Plaza, Suite 210
Newport Beach, California 92660
Telephone: 949-718-6750
PTO Customer Number 21,259

MAP:las

Z:\WINWORD\VTTI\P2702\2702RES.DOC